

1884-021 Chancery Causes: Andrew Milbourne vs. John D. Sharp &
Lee Co.

Morey, Miller, Morgan, Milbourn, Morison

1 Plat

CA-Debt
T-Property

To the Honorable John A. Kelly Judge
of the Circuit Court of Lee County Va

Your orator Andrew Milbourne
humbly complaining respectfully represents, that several years ago H. A.
and S. H. Morison instituted their certain
suit in chancery in this Honorable Court
against J. W. D. Mason and others and
where the same is still pending. And in
which a receiver became necessary and
one John D. Sharp, was duly appointed and
for several years exercised the duties of
the said office, collecting, paying out or
disbursing the several sums in his hands.
The said Receiver was required to give
bonds, in the penalty of \$, and your
orator became a security therefor, for the
due performance of his said office, and
afterwards a settlement, of said Sharp's
~~estate~~ fiducial account was made by
H. J. Morgan & confirmed by this Honorable
Court, by which the said Sharp was found
to be in arrears the sum of \$813.42, and
the same was decreed against him; at the
time of the rendition of said decree the
said John D. Sharp had removed from this
Commonwealth, although he had been present.

at the settlement of said account, he still remains a non-resident, and your crater is in danger of having said debt to pay or the greater portion thereof. A copy of the said decree showing the exact sum due from said Sharp in said cause will in due time be found filed with this decree marked "A." and a copy of said bond marked "B." all of which is prayed to be considered with this bill.

Your crater alleges that said Sharp has estate or effects belonging to, and due to him in this County, he owns a considerable tract of land in this County, designated in the deed books as lot two, in the portion of his fathers real estate, one mile East of Jonesville, fully described in a copy of the plat & report of said partition filed herewith marked "D" which is also prayed to be considered. The said John D. Sharp has debts, and money, and evidences of debt, in the hands of Henry L. Morgan his agent to the amount of \$1000. He has due from one James M. Money here \$400. and from ^{and from P. Mueller in the sum of \$100} Mr Money here the sum of \$200. all of which

may be subject to credit; ~~not~~ known to your
orator. The said land has hitherto been
attached by other parties, as may have also
been the said debts. The object of this bill
therefore is to attach upon said lands
and debts, to have them enjoined and held
liable for further proceedings & orders of this
Court. To have an injunction awarded en-
joining & inhibiting any of the said parties
from paying over the debts due from them
and that the same be applied to the judgment
due from said John D. Sharp receiver as
aforesaid.

The premises considered therefore your orator
provs that H. J. Morgan, James M. Moneyhun
Mc Moneyhun, and John D. Sharp ^{and wife P. Miller} be made
parties defendants to this bill - that said
Morgan James M. Moneyhun, and Mc Money-
hun be required to answer upon oath
the amounts respectively due from them
to said Sharp, and that a receiver be
appointed to collect the same, and hold it
subject to the orders of this Court. That upon
a hearing a decree be rendered, discharging
the said Sharp debts with his own ef-
fects, and that to secure the same ^{that} it is

Cr. Bal. \$8.40 to July 1881.
 H. C. 3.64 Pa by P.
 D. 3.00.
 it 18-00-
 S 2.00

Add for C. 34.04
 .51 Pa by P.
 \$34.55-

H. P.

Andrew McKinnon

W. J. Bill on Foreign Note

John D. Sharpe vs

1880. Feb. Bill Filed & O. P.
 " Mr. J. A. E. on home debts.
 Decree nisi as to them.
 O. P. Completed & Decree nisi
 against nonresident debt
 paid for hearing by Cliff.
 1 Apr. Decree nisi vs. J. A. E.
 - dent debts. Cont'd & all
 1880. Feb. & Aug. Deeds.
 1881. Mr. Decree & Cont'd
 " Aug. Continued.
 1882 Mr. Aug. & Mr. Cont'd
 1883 Mr. Aug. & Mr. Cont'd
 1884 Mr. order Cont'd.
 " Aug. Decree & Cont'd.
 Final Decree

chd 46 C

the mean time be attached & held liable to the
 object of this suit - and for all other
 further & General relief may Surfer same
 &c.

Allegian & Melmore

To the Hon John A. Kelly Judge of the Circuit Court
of Lee County Virginia

The Answer of Henry J. Morgan to a bill filed
in this Honorable Court against him and others by Andrew
Milburne would respectfully show unto your Honor, that
several years ago, his co defendant John D. Sharpe solicited
in this respondents hands for collection several claims as
Sundry persons in this county and one Mr. Mullock in
the State of Tennessee. Some of the persons owing these debts
are made co. defendants with this respondent, by said Milburne.

This respondent cannot now state what sums he will
collect on said claims but so far as he may collect he
will hold the same subject to your orders in this cause.

This respondent is of Opinion however that he will be
able to collect from Six to Twelve hundred dollars on the
claims due his co. defendant Sharpe including some money
which he had collected at the time the process in this
cause was served on him.

This respondent will however here state that his co. deft
Sharpe is owing him the balance of a note and commissions
which he has heretofore collected for him which is paramount
to the plaintiffs claim on the funds in and to pass through
his hands. And he hereby claims the right to retain the
same in his own hands, but beyond this the funds are at
your honors disposal and being now answered as fully
as deemed necessary prays hence to be dismissed.

H. J. Morgan

Henry J. Morgan

ans. } Answer

~~Answer Milwaukee~~

Filed Apr 4th 1881.

Jas W Orr, clerk

Andrew Milburne

Ref.

Against

Andrew Milburne Off.
 Against
John D. Sharp et al, Sept. } In chg.

It being suggested that the defendant John D. Sharp has departed this life since the last term of this Court. On motion of the plff. ^{and payment of Rese D. Flaney} this cause is reviewed in the name of Rese D. Flaney sheriff administrator of the estate of said John D. Sharp deceased. And the plff. by counsel admitting the matters involved has been fully settled, without loss to the plff. - It is adjudged ordered and decreed that the plff. recover from Rese D. Flaney Sheriff admr. out of any unadministered assets in his hands belonging to said estate the costs of this suit to be taxed by the clerk, and no further action being necessary the cause is stricken from the docket.

Andrew Mulbourn

of Decree

John D. Thorpe
Aug 1884

Entered page 416.

J. A. Hyatt C. C.

Encl
Sept. 1st 1884
J. A. H.

But before the plff in this action shall be entitled to its decree
he shall execute bond before the clerk of this court as a bond of \$1500. conditioned to obey
the future order of this court upon the respondent John D. Sharp heretofore offering and
making defense, to this suit.

Andrew Milbourne Plff.

Against

John D. Sharp et al. defts.

} In chancery.

This cause came on this day to be heard
upon the bill of the plff. et for a hearing ^{as to} against
John D. Sharp against whom publication has
been duly made, the answer of H. J. Morgan,
and replication thereto, and exhibits filed, and
the arguments of Counsel, and it appearing to
the Court that there is a sufficiency in the hands
of H. J. Morgan to pay the amount set forth
in exhibit A. with plffs bill, and it ap-
pearing that a receiver ^{is necessary} in said cause ~~is necessary~~
A. L. Prichard who is here by appointed a re-
ceiver ~~in that cause~~ ^{therefore} is directed, after executing
bond in the penalty of \$2000. Conditioned to duly
receive & pay out the same, to collect from
said Morgan if so much shall be found in
his hands, a sufficient ^{sum} to pay the terms of the
decree against said J. D. Sharp as shown by
said exhibit "A." and when so collected he will
proceed to pay out the same to the parties shown
to be entitled to the same, and take thus receipt for
the same. ~~He will~~ ^{therefore} He will upon this action to this court &
the cause is continued.

Amelus Mulberry

in } scene.

John D. - Sharpshoot

March 7, 1881

Entered Page 182

John C. Orr, D.C.

Entered this
April 6, 1881,
J. A. K.

A. A. & H. Morison Plffs-

against

} In chq.

J. W. S. Morison et al. Deft

This cause came on this day to be heard upon the papers heretofore read in the cause, and the report of Comr. Henry J. Morgan filed on the 19th day of March 1878, and was argued by Counsel, on Consideration whereof, it appearing that no exceptions have been filed to the said report, the same is confirmed, and it appearing from said report that there is in the hands of John D. Sharp receiver the sum of Eight hundred and thirteen dollars and forty two cents as of the date of January 1st 1878, of which sum \$658.99 is principal and \$157.43 cents is interest, and it further appearing that the said receiver has paid all the creditors except H. A. Morison and David Patent Admr of H. S. Miles their pro rata share of the funds and he has paid said Morison a portion of his debt, and has paid H. S. Miles, Admr. nothing, it is considered that the amount now in the receiver's hands should be paid to H. A. Morison and H. S. Miles, Admr. so as to equalize them, it is therefore adjudged ordered and decreed that John D. Sharp do pay to H. A. Morison, the sum of \$264.28 with interest on \$213.14 part thereof from

the 1st day of January 1878, and to David
Potter Admr. of H. S. Miles deceased, the sum
of five hundred and forty nine dollars and 14^{cs}.
with interest on \$442.85 part thereof from the
1st day of January 1878, and if the said Sharp
shall fail to pay the said sum within sixty
days from this date, the said Morrison and
David Potter Admr. of H. S. Miles deceased
may each have execution against him for
the respective sums above decreed to them
And it is further ordered that said re-
ceiver shall proceed to collect all the
outstanding & uncollected claims in his
hands as per Comr. Morgans report as soon as
practicable, And the distribution of the
residue of the fund is reserved, and the
cause is continued

A copy Teste.

James H. Orr, Clerk.

H. A. J. H. Morrison

113 Decree

John W. A. Morrison et al

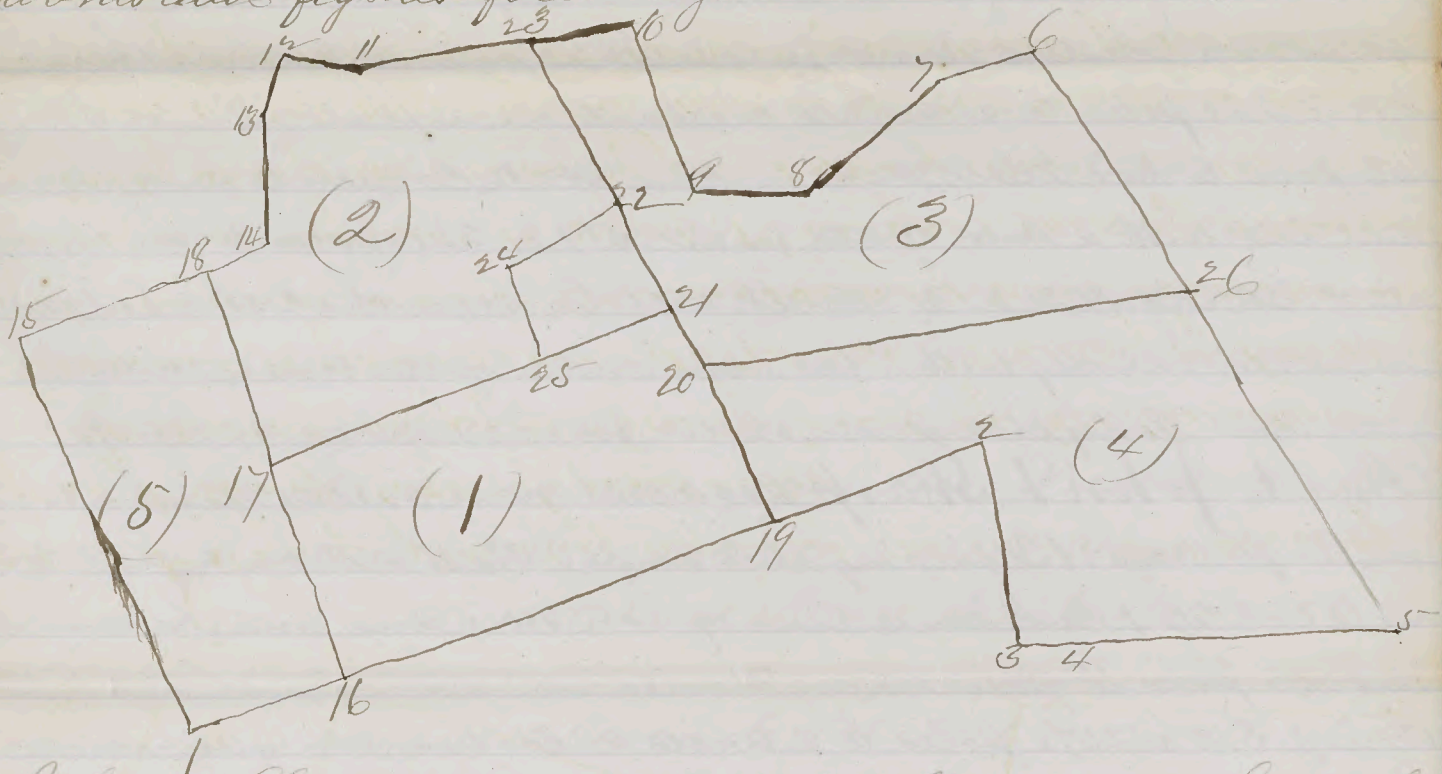
vs. 1858

"

3526

+++++

On the 18th day of March 1867 Commissioners Carr Bailey & also filed a report together with a plat in accordance with the above decree, which report is in the words and figures following to wit:—



John D. Sharp plaintiff against the widow & heirs of John D. Sharp dec'd defendants.

To the worshipful County Court of Lee County:
Pursuant to your decree dated the 17th day of October 1866, the undersigned Commissioners have executed said decree and beg leave to report: 1st we have laid off & assigned to Polly Sharp the widow of John D. Sharp dec'd one third in annual rental value of the land in the bill mentioned owned by the said John D. Sharp dec'd at the time of his death, for her dower interest therein, which dower interest is bounded as follows: Beginning at a hickory on St. Raylor's line thence N 67 E 218 poles to a stake by a fence and with said fence N 30 W 68 poles to a stake in the road, and along the same S 69 W 52 poles to a stake near an apple tree thence N 18 W 158 poles to a small chestnut on a flat S 12 W 146 poles to 2 black oaks and a stake corner to said Raylor's land and with a line of the same S 17 E 240 poles to the beginning, Containing 234 Acres more or less. See Fig. 19

22, 24, 25, 17, 16, 19 including the mansion house & other buildings where the said Polly Sharpe and family now reside. And then by the request of a majority of the parties we partitioned the whole (including the said widow's dower in five square parts and have assigned said parts as follows: to Mary H. B. Sharp 210 acres more or less which is bounded as follows: Beginning at a Hickory on Baylor's line thence N. 67° E. 150 poles to pointers, Corner to lot No 2, and with a line thereof N. 18° W. 227 poles to a small chestnut on a flat; thence S 72° W. 146 poles to two black oaks and a stake corner to said Baylor's land and with a line of the same S 17° E. 240 poles to the beginning. See Fig. 19, 21, 17, 16, 19. It will be seen that this lot is embraced entirely within the boundaries of the dower interest of the said Polly Sharp which we have marked as lot No 1. And to John D. Sharp 200 acres more or less which is bounded as follows: Beginning at a small chestnut on a flat corner to lot No 1, and on a line of lot No. 5 and with the same S 72° E. 108 poles to pointers on Maston Collier's line, and with lines thereof S 18° E. 26 1/2 poles to 2 white oaks (one down) by a sink. S 86° E. 85 poles to a white oak and double red oak on a rise (double red oak down) S 70° E. 22 poles to a double white oak S 21° W. 34 poles crossing the old Canal road to a black oak, and 3 sourwoods saplings (black oak down) thence S 5 1/2° E. 107 poles to a stake corner to lot No 3 and with a line thereof S 67° W. 134 poles to pointers corner to lot No 1, and with a line thereof N. 18° W. 227 poles to the beginning See Fig. 17, 18, 14, 13, 12, 11, 23, 21, 17. This lot embraces about 24 acres of the Clover lands of the said Polly Sharp which is marked lot No 2. And to Mary N., John D. S. William N., Benjamin F., Rowena R., and Sebos Taylor, the children and heirs of Argyra C. Taylor died 196 acres more or less which is bounded as follows: Beginning at a double chestnut, and 3 dogwoods, near the corner of a field, corner to lot No 4, and on a line of lot No 1, and with the same N. 67° E. 184 poles to a stake on Britton Potlett's line and with lines thereof S 5 1/2° E. 53 poles to 2 red oaks & a sourwood ~~down~~ (both red oaks down) at the end of a line S 75° W.

92 poles to 2 small black oaks S 10° W. 58 poles to a post oak and small red oak S 40° E. 88 poles to 2 small post oaks S 17° E. 62 poles to a poplar corner to James Chsett's land and with a line thereof S 56° W. 154 poles to a stake corner to lot No 4 and with a line thereof N 7° W. 275 poles to the beginning. See Fig. 20, 23, 10, 9, 8, 7, 6, 26, 20, which is marked lot No 3. And to Edward C., Felicia, Margaret and Alice Sharp, the children of Benjamin Sharp died 275 acres more or less which is bounded as follows: Beginning at a double chestnut and 3 dogwoods near the corner of a field, corner to lot No. 3, and with a line of the same, S 7° E. 275 poles to a stake on the back line and with the same, S 56° W. 222 poles to a black oak and white oak (both dead) and 3 or 4 Hickory Bushes (all gone) at the corner of Dr. Potlett's field. thence N 1 1/2° W. 216 poles to a small black oak among pointers, Mill's south east corner; thence N 6 1/2° W. 10 poles to a stake corner to Dr. Baylor's land, and with lines thereof N 83° E. 100 poles to a sourwood and some sourwood sprouts N. 17° W. 106 poles to a hickory on a rise corner to lot No 1 and with a line thereof N 67° E. 100 poles to the beginning. See Fig. 20, 26, 5, 4, 3, 2, 19, 20, which is marked lot No. 4. And to the heirs of Henry C. Sharpe died, 150 acres more or less which is bounded as follows: Beginning at 3 black oaks on the side of a Gravelly ridge thence S 18° E. 110 poles to pointers corner to lot No 2, and with a line thereof S 72° W. 254 poles to a stake, and 2 black oaks Baylor's corner thence N. 17° W. 54 poles to a stake, thence N 65° E. 250 poles to the beginning. See Fig. 15, 18, 16, 1, 15 which is marked lot No. 5. All of which is respectfully submitted March 6th 1867.

(Signed) Carr Bailey
(") Andrew Milboam } Comrs.
(") Harrison Baylor }

A Copy Test J. R. Stickley D. C.

John D. Sharpe
{ copy of
From { Partition
{ & Report
John D. Sharpe's Est.

"D"

clk 2.04

Know all men by these presents that we
Andrew Willbourn and
are held and firmly bound unto the Comm-
onwealth of Virginia in the just and full
sum of One thousand and five hundred
dollars for the payment thereof well and
truly to be made to the said Commonwealth
we bind ourselves, our heirs, executors and
administrators, jointly and severally firmly
by these presents. And we hereby waive the
benefit of our homestead exemptions as to
this bond. Witness our hands and seals this
the 11th day of April 1881.

The condition of the above obligation is such
that whereas in a certain Chancery cause now
pending in the Circuit Court of Lee County Va
in which the above named Andrew Willbourn
is plaintiff and John D Sharp et als are defend-
ants, a decree was rendered in said cause
on the 5th day of April 1881. by which said
Willbourn was required, before being entitled
to the benefit of the decrees in said cause, to
execute bond in a penalty of \$1500- conditioned to
abide the future order of the court, &c. Now if
the said Willbourn shall well & truly abide the
future order of said court, upon the defendant John
D Sharp hereafter appearing and making defense to
said suit. Then the above obligation to be said

John D Sharp
vs Conditional Bond.
Andrew Williamson

otherwise to remain in full force & Virtue.

Andrew Williamson (seal)
A. & Dickinson (seal)

The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

John A. Stark, James M. Maueyham M. L. Maueyham & Wm P. Miller and Harry J. Morgan.

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

March
by

Andrew Milbourn.

And have then there this writ. Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *10th* day of *Feb* 18 *80*, in the 10th year of the Commonwealth.

Copy to James M. Orr, Clerk.

Clerk.

The proper affidavit having been
filed the officer serving the writ pro.
Cres. is ordered to attach the estate of the
^{nonresident} defendants in Lee County Va and the same
in their hands so attached so to secure
and provide that the same may be
forthcoming liable to the further order
of this Court.

Attest James W. Orr, Clerk

James W. Orr, Clerk

The Commonwealth of Virginia :

To the Sheriff of Lee County—Greeting.

We Command you to Summon

*John B. Clark, James M.
Moseyhu, W. L. Moseyhu, and Wm P. Miller
and Henry J. Morgan.*

To appear at the Clerk's Office of the Circuit Court of Lee county, at the Court-House, on the first Monday in
next, being rule day, to answer a bill in Chancery, exhibited in our said Court against

March
them by

Andrew Milbourn.

And have then there this writ.
of *Feb'y*

Witness, JAMES W. ORR, Clerk of our said Court, at the Court-House, this *10th* day
18 *80*, in the 10th year of the Commonwealth.

James W. Orr

Clerk.

Recd.
of James H. Orrell.

Oil coats hyde-
lining true Opico
to the bottom bands
behave as before
John C. Thompson
July 29th 1880
F. W. Miller
for L. S. Lytle

VIRGINIA:—At rules held in the Clerk's
office of the Circuit Court, on Monday,
the 2nd day of February, 1880.

ANDREW MILBOURNE, Plff. } In
against } Chancery.

JOHN D. SHARP et als., Deft's. }

The object of this suit is to attach debts owing John D Sharp by Henry J Morgan, James M. Moneyhun, Mc. Moneyhun and Wm. P. Miller; also to attach certain lands in Lee county, belonging to said Sharp. And it appearing from an affidavit filed in the cause that the defendant John D Sharp is a non-resident of this State, it is ordered that he appear here within one month after due publication of this order and do what is necessary to protect his interest in this suit. A copy, teste

Attest

JAMES W. ORR, Clerk.

I, Charles McEloughly, Patri of the "Lee Sentinel," hereby certify
that the copy, order of which the annexed is a copy, was printed
-ed 4 successive weeks, ending to-day in said Sentinel,
Feb'y. 27, 1880.

Charles McEloughly, Patri

Andrew Milbourne
Vd. 3 Pabro. Cent.
John D. Sharp
